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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

RUSHDEE ANDERSON,

Defendant and Appellant.

B240334

(Los Angeles County Super. Ct.  
No. YA075777)

APPEAL from a judgment of the Superior Court of Los Angeles County, James Brandlin, Judge. Affirmed.

David L. Kelly, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Defendant and appellant Rushdee Anderson entered a plea of no contest to a charge of making criminal threats in violation of Penal Code section 422.<sup>1</sup> Defendant also admitted serving a prior prison term within the meaning of section 667.5, subdivision (b). Defendant was sentenced to state prison for a period of four years. Execution of that sentence was suspended, and defendant was placed on formal probation on condition that he serve 310 days in the county jail. Following a formal probation violation hearing, the trial court found defendant in violation of probation and ordered execution of the previously suspended four-year state prison sentence.

This court appointed counsel to represent defendant on appeal from the order. On September 10, 2012, appointed counsel filed a brief raising no issues, asking this court to independently review the record for arguable appellate contentions under *People v. Wende* (1979) 25 Cal.3d 436. Defendant was advised of his right to file a supplemental brief within 30 days. No supplemental brief has been filed by defendant.

We have completed our independent review of the record. At the formal probation violation hearing, Shavonda McGriff Anderson, defendant's wife and the mother of his baby, described how defendant was arguing with her and making insulting statements on August 24, 2011. Eventually, she could not take it any longer and responded verbally to defendant. Defendant punched her four times in the head with a fist, causing her teeth to go through her cheek and two knots on her head. A deputy sheriff who responded to the incident observed the injuries and took her statement. She told the deputy defendant had struck her in the face. She made conflicting statements to defense counsel prior to the probation violation hearing, claiming she was injured in a fight with another woman, and defendant had not hit her.

Defendant testified on his own behalf at the probation violation hearing. He denied asking his wife to call defense counsel about this incident, and he further denied asking his mother to have his wife make the call. Defendant explained that on August 24, his wife argued and fought with a woman with whom defendant was having a

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<sup>1</sup> All statutory references are to the Penal Code unless otherwise indicated.

relationship. His wife's injuries were the result of that fight, and at no time did defendant strike his wife.

Our independent review of the record reveals no arguable appellate issues. The finding of the trial court following the formal probation violation hearing is supported by substantial evidence. Defendant's due process rights to a full hearing were honored. The sentence imposed was within the range permitted by law. There being no error, the judgment is affirmed. (*Smith v. Robbins* (2000) 528 U.S. 259.)

KRIEGLER, J.

We concur:

TURNER, P. J.

MOSK, J.